



DEPARTMENT OF DEFENSE
FREEDOM OF INFORMATION DIVISION
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155

NOV 06 2019

Ref: 19-F-1290

Ref: 19-F-1292

Austin R. Evers
American Oversight
1030 15th Street NW
Suite B255
Washington, DC 20005

Dear Mr. Evers:

This is in response to your May 29, 2019 Freedom of Information Act (FOIA) requests, copies of which are enclosed for your convenience. We received your requests on May 29, 2019 and assigned them case numbers 19-F-1290 and 19-F-1292. We ask that you use these numbers when referring to your requests.

The Office of General Counsel (OGC), a component of the Office of the Secretary of Defense (OSD), conducted a search of their records systems and located 33 pages determined to be responsive to your requests. In their capacity as Initial Denial Authorities, Mr. David P. Bennett, Director, Office of General Counsel and Mr. Ryan W. Reilly, Operations Manager, Legislative Affairs (LA), determined that 16 pages have been denied in full and 12 pages have been release in part pursuant to FOIA Exemption 5 U.S.C. § 552 (b)(1), which pertains to information that is currently and properly classified in the interest of national security pursuant to Executive Order 13526, applying Section 1.4 (a) concerning the protection of military plans, weapons, systems, or operations; 5 U.S.C. § 552 (b)(5), which applies to inter- and intra-agency memoranda which are deliberative in nature; and FOIA, 5 U.S.C. § 552(b)(6), which protects information the release of which would constitute a clearly unwarranted invasion of personal privacy.

We have determined that five of these pages fall under the purview of the United States Department of State (DOS). As DOS operates its own FOIA program, we have referred your request and the responsive information to them for direct response to you. For your convenience, contact information for the DOS FOIA office is provided below:

U. S. Department of State
Office of Information Programs and Services
A/GIS/IPS/RL
2201 C Street N.W., Suite 12A40A
Washington, D.C. 20520-0000

In this instance, fees for processing your request were below the threshold for requiring payment. Please note that fees may be assessed on future requests.

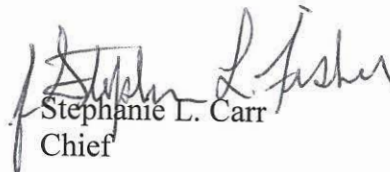
If you are not satisfied with this response, you may contact our OSD FOIA Public Liaison, Darrell Williams, at 571-372-0462 or by email at OSD.FOIALiaison@mail.mil. Also, please note that the Office of Government Information Services (OGIS) offers services to requesters who have disputes with Federal agencies. You may contact OGIS if you have concerns about the processing of your request. Their contact information is provided below:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, MD 20740
E-mail: ogis@nara.gov
Telephone: 202-741-5770
Fax: 202-741-5769
Toll-free: 1-877-684-6448

You have the right to appeal to the appellate authority, Ms. Joo Chung, Director of Oversight and Compliance, Office of the Secretary of Defense, by writing directly to OCMO Office of the Chief Management Officer, 4800 Mark Center Drive, ATTN: DPCLTD, FOIA Appeals, Mailbox# 24, Alexandria, VA 22350-1700. Your appeal must be postmarked within 90 calendar days of the date of this response. Alternatively, you may email your appeal to osd.foia-appeal@mail.mil. If you use email, please include the words "FOIA Appeal" in the subject of the email. Please also reference case numbers 19-F-1290 and 19-F-1292 in any appeal correspondence.

If you have any questions about the foregoing, please do not hesitate to contact the Action Officer assigned to your request, Michael Coen at Michael.e.coen2.civ@mail.mil or 571-372-0413.

Sincerely,


Stephanie L. Carr
Chief

Enclosure:
As stated

From: (b)(6) CIV OSD OGC (US) (b)(6) @mail.mil>
Sent: Tuesday, May 28, 2019 4:23 PM
To: (b)(6) CIV OSD OUSD POLICY (USA) (b)(6) @mail.mil>; d'Annunzio, Michael A SES OSD OGC (USA) (b)(6) @mail.mil>
Cc: (b)(6) CIV OSD OUSD POLICY (USA) (b)(6) @mail.mil>
Subject: RE: [Non-DoD Source] RE: DOD input and assistance requested: Congressional response

Adding Mike d'A for his SA.

(b)(5)

(b)(6)

Associate General Counsel
DoD OGC - International Affairs

(b)(6)

From: (b)(6) CIV OSD OUSD POLICY (USA) (b)(6) @mail.mil>
Sent: Tuesday, May 28, 2019 3:55 PM
To: (b)(6) CIV OSD OGC (US) (b)(6) @mail.mil>
Cc: (b)(6) CIV OSD OUSD POLICY (USA) (b)(6) @mail.mil>
Subject: FW: [Non-DoD Source] RE: DOD input and assistance requested: Congressional response

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(b)(5)

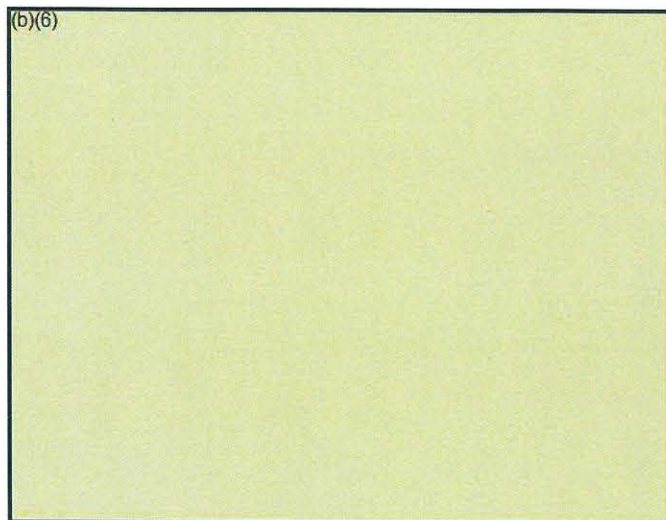
(b)(5)



Approved:

Drafted:

Cleared:



(b)(5)



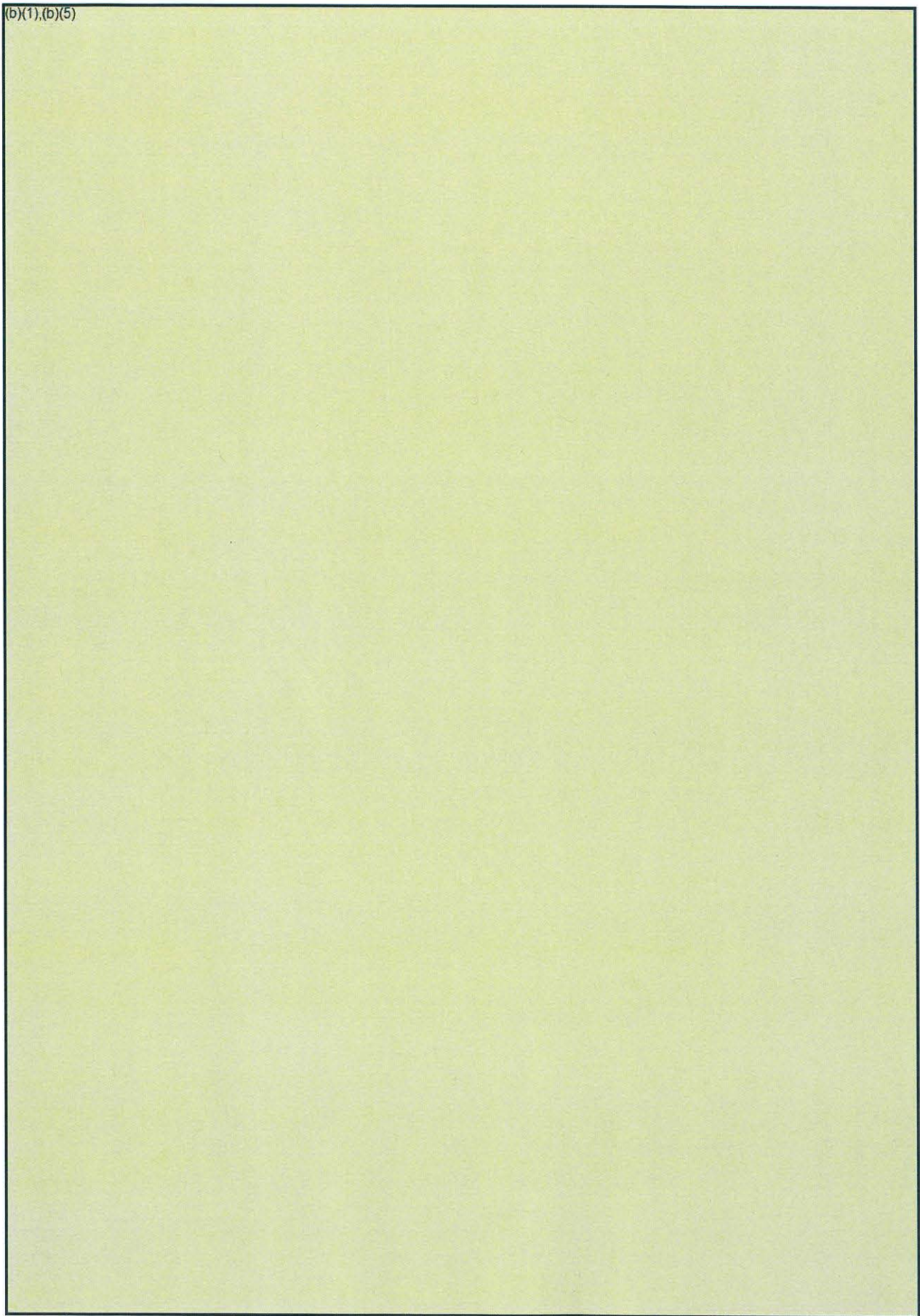
(b)(5)

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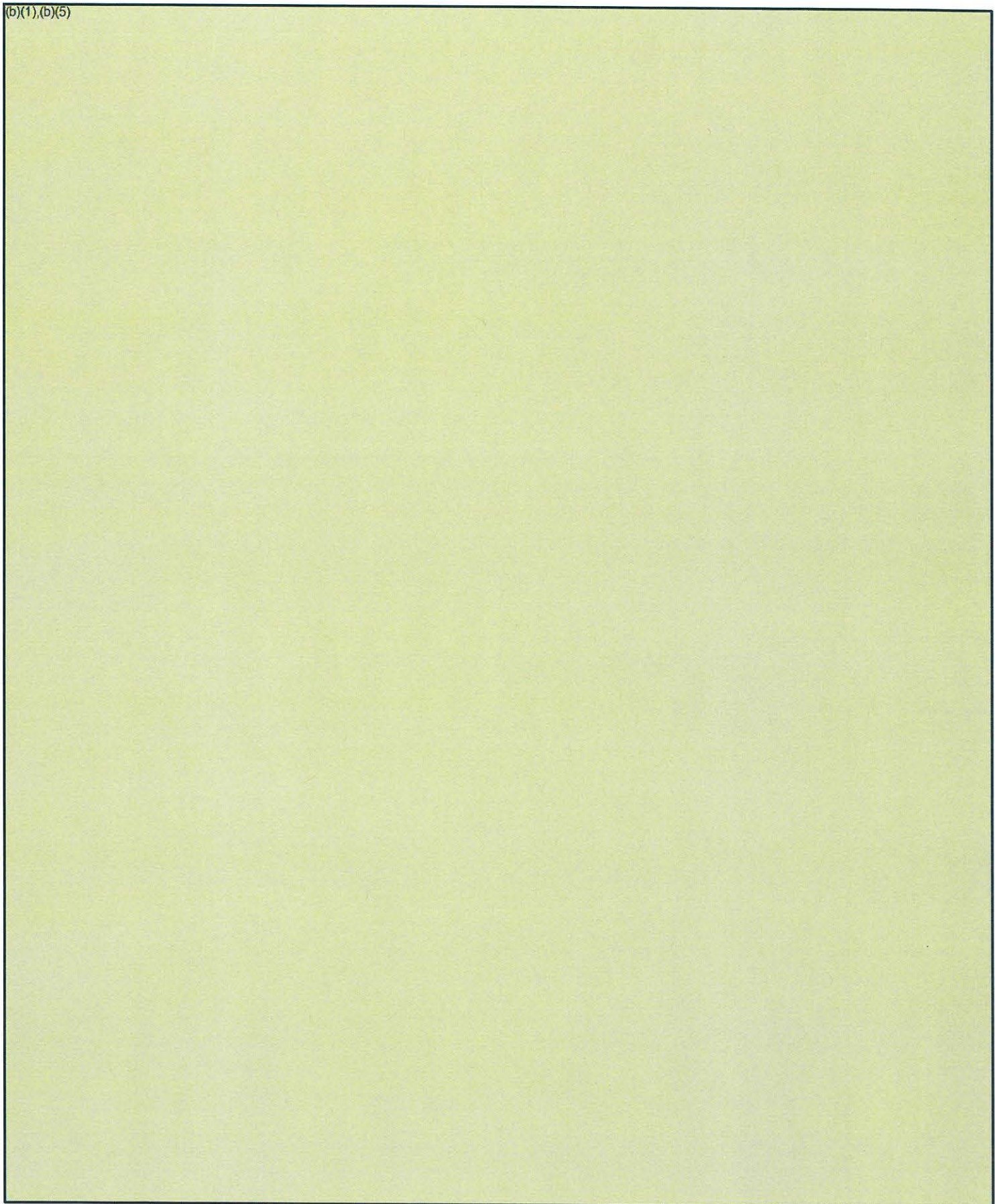
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(b)(1),(b)(5),(b)(6)

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(b)(1),(b)(5),(b)(6)

From: (b)(6) CIV OSD OGC (USA)
To: (b)(6) CTR (USA)
Cc: (b)(6) CIV OSD OGC (USA)
Subject: FW: (S//NF) FOIA Request
Date: Friday, September 27, 2019 11:50:48 AM
Attachments: [RE \(SNF\) Iran AUMF TP's \(11.2 KB\).msg](#)
[RE \(SNF\) IRGC language to HASC \(14.5 KB\).msg](#)
[RE \(S\) UPDATED version of memo \(39.5 KB\).msg](#)

CLASSIFICATION: SECRET//NOFORN

Here is the email on the class side. (b)(6)

CLASSIFICATION: SECRET//NOFORN

-----Original Message-----

From: (b)(6) CIV OSD OGC (US) (b)(6) @mail.smil.mil>
Sent: Thursday, June 27, 2019 4:39 PM
To: (b)(6) CIV OSD OGC (USA) (b)(6) @mail.smil.mil>;
d'Annunzio, Michael A SES OSD OGC (USA)
(b)(6) @mail.smil.mil>
Subject: FOIA Request

(b)(6)

As referenced on NIPR.

(b)(6)

(b)(6)

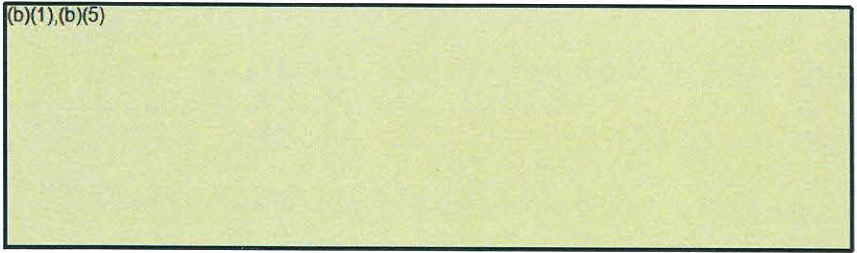
Associate General Counsel
DoD OGC - International Affairs

(b)(6)

From: [d'Annunzio, Michael A SES OSD OGC \(USA\)](#)
To: [Hamaguchi, Cara-Ann M \(Cara\) LTC USARMY JS OCJCS \(USA\)](#)
Cc: (b)(6) [IV OSD OGC \(USA\)](#) (b)(6) [IV OSD OGC \(US\); JS Pentagon DoM List LC Bridge](#)
Subject: RE: (S) UPDATED version of memo
Date: Wednesday, May 22, 2019 1:24:16 PM
Attachments: [mda edits Info Paper - AUMF Iranv.5.docx](#)

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(b)(1),(b)(5)



Mike d'Annunzio
Attorney-Advisor

(b)(6)



CLASSIFICATION: SECRET

-----Original Message-----

From: (b)(6) [USARMY JS OCJCS \(USA\)](#)
(b)(6) [@mail.smil.mil](#)>
Sent: Wednesday, May 22, 2019 13:05
To: d'Annunzio, Michael A SES OSD OGC (USA)
(b)(6) [@mail.smil.mil](#)>
Subject: UPDATED version of memo

Sir,

Here's the latest version if it's not too late.


We welcome your mark-ups.

V/r

(b)(6)



(b)(6)

 JAGC, USA

Deputy Legal Counsel

Office of the Chairman of the Joint Chiefs of Staff

(b)(6)



1

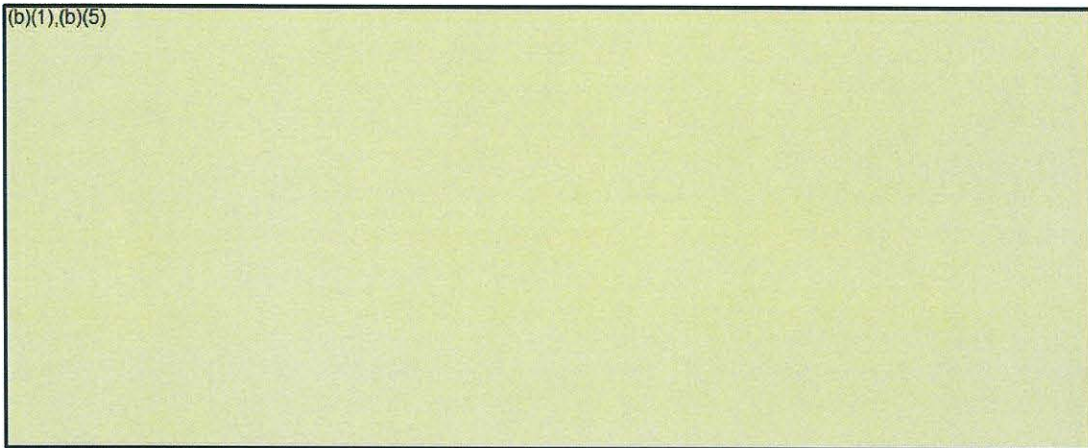
From: (b)(6) CIV OSD OGC (US)
To: (b)(6) CIV OSD OUSD POLICY (USA) (b)(6) CIV OSD OGC (USA) (b)(6) CIV
OSD OGC (USA); d Annunzio, Michael A SES OSD OGC (USA)
Cc: (b)(6) OSD OUSD POLICY (USA) (b)(6) USN OSD OUSD POLICY (US)
Subject: RE: (S//NF) Iran AUMF TP's
Date: Wednesday, June 5, 2019 8:20:03 AM

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(b)(6)

A few recommended tweaks:

(b)(1),(b)(5)



(b)(6)

Associate General Counsel
DoD OGC - International Affairs

(b)(6)



~~CLASSIFICATION: SECRET//NOFORN~~

-----Original Message-----

From: (b)(6) CIV OSD OUSD POLICY (USA)
(b)(6) v@mail.smil.mil>
Sent: Tuesday, June 4, 2019 9:12 AM
To: (b)(6) CIV OSD OGC (US) (b)(6) civ@mail.smil.mil>;
(b)(6) CIV OSD OGC (USA) (b)(6) civ@mail.smil.mil>;
Harrison, Sarah E CIV OSD OGC (USA) <sarah.e.harrison11.civ@mail.smil.mil>
Cc: (b)(6) CIV OSD OUSD POLICY (USA)
(b)(6) iv@mail.smil.mil>; Heaton, Neal D LCDR USN OSD OUSD POLICY
(US) (b)(6) @mail.smil.mil>
Subject: RE: (S//NF) Iran AUMF TP's

~~CLASSIFICATION: SECRET//NOFORN~~

Team,

(b)(1),(b)(5)



(b)(1),(b)(5)

Thanks for your help!

Best regards,

(b)(6)

(b)(6)

Special Assistant, Counterterrorism Policy
Special Operations & Combating Terrorism

(b)(6)

~~CLASSIFICATION: SECRET//NOFORN~~

-----Original Message-----

From: (b)(6) CIV OSD OUSD POLICY (USA)
Sent: Thursday, May 30, 2019 5:13 PM
To: (b)(6) OSD OGC (US); (b)(6) @mail.smil.mil>;
(b)(6) OSD OGC (USA); (b)(6) @mail.smil.mil>;
(b)(6) OSD OGC (USA); (b)(6) @mail.smil.mil>
Cc: (b)(6) OSD OUSD POLICY (USA)
(b)(6) @mail.smil.mil>; (b)(6) USN OSD OUSD POLICY
(US); (b)(6) @mail.smil.mil>
Subject: (S//NF) Iran AUMF TP's

~~CLASSIFICATION: SECRET//NOFORN~~

Team Legal,

(b)(1),(b)(5)

Thanks for the help!

Best regards,

(b)(6)

(b)(6)

Special Assistant, Counterterrorism Policy

Special Operations & Combating Terrorism

(b)(6)



~~CLASSIFICATION: SECRET//NOFORN~~

From: (b)(6) OSD OGC (US)
To: (b)(6) OSD OUSD POLICY (US) (b)(6) CIV OSD OUSD POLICY (USA) (b)(6)
Cc: (b)(6) OSD OUSD POLICY (USA) (b)(6) OSD Pentagon OUSD Policy List ISA Iran (b)(6) IV OSD OGC (USA) (b)(6) USN
OSD OUSD POLICY (US) (b)(6) USN OSD OUSD POLICY (USA) (b)(6)
(b)(6) USAF OSD OUSD POLICY (USA)
Subject: RE: (S//NF) IRGC language to HASC
Date: Thursday, May 9, 2019 10:43:44 AM

~~CLASSIFICATION: SECRET//NOFORN~~

All,

(b)(1),(b)(5)

(b)(6)

Associate General Counsel
DoD OGC - International Affairs

(b)(6)

~~CLASSIFICATION: SECRET//NOFORN~~

-----Original Message-----

From: (b)(6) OSD OUSD POLICY (US)
(b)(6) @mail.smil.mil>
Sent: Thursday, May 9, 2019 10:28 AM
To: (b)(6) OSD OUSD POLICY (USA)
(b)(6) @mail.smil.mil> (b)(6) OSD OUSD POLICY
(USA) (b)(6) @mail.smil.mil>
Cc: OSD Pentagon OUSD Policy List ISA Iran
(b)(6) (b)(6)
OSD OGC (US) (b)(6) @mail.smil.mil> (b)(6)
OSD OGC (USA) (b)(6) @mail.smil.mil> (b)(6)
USN OSD OUSD POLICY (US) (b)(6) @mail.smil.mil> (b)(6)
(b)(6) USN OSD OUSD POLICY (USA)
(b)(6) @mail.smil.mil> (b)(6)
(b)(6) OSD OUSD POLICY (USA) (b)(6) @mail.smil.mil>
Subject: RE: (S//NF) IRGC language to HASC

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(b)(6)

(b)(1),(b)(5),(b)(6)

~~CLASSIFICATION: SECRET//NOFORN~~

-----Original Message-----

From: (b)(6) CIV OSD OUSD POLICY (USA)
(b)(6)@mail.smil.mil>
Sent: Thursday, May 9, 2019 10:03 AM
To: (b)(6) CIV OSD OUSD POLICY (USA)
(b)(6)@mail.smil.mil> (b)(6) CIV OSD OUSD POLICY
(USA) (b)(6)@mail.smil.mil>
Cc: OSD Pentagon OUSD Policy List ISA Iran
<osd.pentagon.ousd-policy.list.isa-iran@mail.smil.mil> (b)(6) CIV
OSD OGC (US) (b)(6)@mail.smil.mil> CIV
OSD OGC (USA) (b)(6)@mail.smil.mil>
Subject: RE: (S//NF) IRGC language to HASC

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(b)(1),(b)(5),(b)(6)

Best

(b)(6)

Office of the Secretary of Defense (Policy)
International Security Affairs
Iran Desk

(b)(6)

(b)(6)

~~CLASSIFICATION: SECRET//NOFORN~~

-----Original Message-----

From: (b)(6) OSD OUSD POLICY (US)
(b)(6) <(b)(6)@mail.smil.mil>
Sent: Thursday, May 9, 2019 9:23 AM
To: (b)(6) OSD OUSD POLICY (USA)
(b)(6) <(b)(6)@mail.smil.mil>

Cc: OSD Pentagon OUSD Policy List ISA Iran

(b)(6)
OSD OGC (US) <(b)(6)@mail.smil.mil> (b)(6)
OSD OGC (USA) <(b)(6)@mail.smil.mil>
Subject: RE: (S//NF) IRGC language to HASC

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(b)(1),(b)(5)

v/r
(b)(6)

~~CLASSIFICATION: SECRET//NOFORN~~

-----Original Message-----

From: (b)(6) OSD OUSD POLICY (USA)
(b)(6) <(b)(6)@mail.smil.mil>
Sent: Thursday, May 9, 2019 8:52 AM
To: (b)(6) OSD OUSD POLICY (US)
(b)(6) <(b)(6)@mail.smil.mil>

Cc: OSD Pentagon OUSD Policy List ISA Iran

(b)(6)
OSD OGC (US) <(b)(6)@mail.smil.mil> (b)(6)
OSD OGC (USA) <(b)(6)@mail.smil.mil>
Subject: RE: (S//NF) IRGC language to HASC

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(b)(1),(b)(5),(b)(6)

(b)(1),(b)(5),(b)(6)

(b)(6)

Director, Iran Policy
DASD-Middle East
ASD-International Security Affairs
USD-Policy
Open (b)(6)

~~CLASSIFICATION: SECRET//NOFORN~~

-----O-----
From: (b)(6) CIV OSD OUSD POLICY (US)
Sent: Wednesday, May 8, 2019 10:17 AM
To: (b)(6) CIV OSD OUSD POLICY (USA)
(b)(6) @mail.smil.mil>
Subject: (S//NF) IRGC language to HASC

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